

JAN 7 2002

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	
)	FINDINGS OF FACT,
PETITIONER,)	CONCLUSIONS OF LAW,
)	RECOMMENDED ORDER AND
VS.)	ORDER
)	
JEFFREY WALKER,)	
)	CAUSE NO. A-1453
)	
RESPONDENT.)	

This matter came on for hearing on the 13th day of December, 2001, before Linda Sanchez-Masi, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Manuel Montelongo. Jeffrey Walker ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the Hearing Officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is 19901 Giles Road, Gretna, Nebraska 68028.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. The Department filed a Petition and Notice of Hearing on or about November 16, 2001, which were served upon the Respondent by mailing the same to his address of record by certified mail, return receipt requested. Respondent received a copy of the Petition and Notice of Hearing on November 11, 2001, as evidenced by the return receipt card attached to Exhibit #2.

4. The Department, in its Petition, alleged that on July 31, 2001, the Director of the Nebraska Department of Insurance signed an order in State of Nebraska Department of Insurance v. Jeffrey Walker, Cause No. A-1428 (Order), imposing on Respondent an administrative penalty of \$1000, which Respondent was required to pay within thirty days of the entry of the Order. The Order was filed on August 7, 2001. (See Exhibit #3).

5. Respondent requested that he be given additional time to pay the administrative fine, and the Hearing Officer granted an extension for payment of the fine to September 14, 2001.

6. As of the date this matter came on for hearing, Respondent had failed to pay the administrative penalty of \$1000 levied in Cause No. A-1428, as evidenced by Exhibit #1.

7. The Department Order in Cause A-1428 provided that if the fine was not paid as required by the Order, that grounds would exist to hold a hearing wherein Respondent would be required to show cause why his Nebraska resident insurance agent's license should not be revoked. (See Exhibit #3).

8. Respondent was not present at the hearing on this matter and Respondent did not show cause why his Nebraska resident insurance agent's license should not be revoked.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4047 et seq.

2. The Department has personal jurisdiction over Respondent.
3. The Respondent failed to comply with the Department Order in State of Nebraska Department of Insurance v. Jeffrey Walker, Cause No. A-1428.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's Nebraska resident insurance agent's license be suspended until the administrative penalty of \$1000, as required by the Department Order in Cause No. A-1428, has been paid.

Dated this 4th day of January, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Linda L. Sanchez-Masi
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Jeffrey Walker, Cause No. A-1453.

Dated this 7th day of January, 2002.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at 19901 Giles Road, Gretna, Nebraska 68028 by certified mail, return receipt requested, on this 7th day of January, 2002.

Stacey M. Brumfield